

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with the Administration’s response to each comment. Comments included in **bold** text denotes new or additional comments received in respect to the amended plans and that have not previously been made in submissions.

Comments Received in Objection:	Administration Comment:
<p><u>Building Height</u></p> <ul style="list-style-type: none"> • Concern about shading from overshadowing in afternoons from the three-storey building. • Concern about the bulk that would be presented by the three-storey nature of the proposal. • The proposed building height would block access to direct sun to habitable rooms and outdoor spaces and does not minimise overshadowing of adjoining properties. 	<ul style="list-style-type: none"> • Administration has undertaken an analysis of the extent of overshadowing on the adjoining property compared to a three-storey development that meets the deemed-to-comply standards in relation to building height and setbacks. This indicates that the extent of shadow cast would fall to the same areas as the proposed overshadowing, including the portion of the outdoor living areas, major openings and communal driveway. This outlines that the outdoor living areas of Units 1 and 2 would be overshadowed by the adjoining development itself or would be overshadowed by any three storey development that satisfied the deemed-to-comply building height standards at the subject site. The outdoor living areas of Units 3 and 4 would retain areas of direct sunlight at midday which would increase into the afternoon as the sun moves west. • The proposed development provides for separation between the first and second floors of Units 1 and 2, and Units 3 and 4, which would assist to mitigate building bulk from the development. Impact from building bulk would be further reduced through the use of contrasting materials and finishes and additional articulation of the facades through curved hit and miss brickwork and varying setbacks to the upper floors. • As outlined above Administration has undertaken an analysis of the extent of overshadowing which identifies that the impact on the outdoor living areas of the adjoining property would not be any greater than a development which was compliant with the height and lot boundary setback standards. In relation to major openings. Units 2 and 4 have major openings to a dining room on the ground floor and a bedroom on the first floor on the north-eastern elevation facing the proposed development. The design principles of the R Codes require consideration of shadowing of major openings that are within 15 degrees of north. These major openings are oriented approximately 22 degrees north-east. Due to their location and orientation, these major openings would experience overshadowing from a development that met deemed to comply standards on the subject site.

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<p><u>Street Setbacks</u></p> <ul style="list-style-type: none"> Street setback should be consistent with Nos. 105 and 107 Palmerston Street and the design is not consistent with the established character of the streetscape. The proposed buildings would not be consistent with the streetscape and are not complementary to the park. 	<ul style="list-style-type: none"> The western side of the Palmerston Street streetscape between Randell Street and Stuart Street is inconsistent in terms of development scale, style, and form and does not present as a cohesive or coordinated streetscape. The development context of the north-western side of Palmerston Street already incorporates reduced street setbacks as seen at No. 99 Palmerston Street. The proposal incorporates a heavily articulated sculptural form provides a highly interactive streetscape interface and contributes a level of visual interest to the streetscape. The face brick materiality and arch forms respond and relate to the context and character of the local area. The development has been designed to minimise impact on the existing Moreton Bay Fig tree at Robertson Park, which is included on the City's Significant Tree Register. As a result, the bulk of the development has shifted to the south-west and south (Palmerston Street). The street setback incorporates low fencing and landscaping which would assist in softening the appearance of the development, adjacent to the park.
<p><u>Lot Boundary Setbacks</u></p> <ul style="list-style-type: none"> The proposed setbacks will present significant massing, with 9-metre-high walls wall less than 1.2m from the lot boundary. Concern about the bulk and scale that would be presented by the dwellings to the adjoining property. 	<ul style="list-style-type: none"> The development would have two-storey portions of wall 1.2 metres away from the lot boundary, with the remainder of the development, including the second floor set back 1.8 metres. The design would incorporate design features which assist in mitigating the impact of building bulk and scale to the adjoining property including variation in colours and materials, use of setbacks, architectural features and building separation. As discussed above, the largest area of bulk, Units 2 and 3 would be adjacent to a driveway and car parking area on the adjoining site, which would limit impact of the presentation of bulk due to the lower levels of use of these areas. The development would also incorporate design features, listed above, which help to break up the presentation of mass to the adjoining property.

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<p><u>Overshadowing</u></p> <ul style="list-style-type: none"> • The shadow caused by the proposed building would impact on the adjoining property's access to direct sun and ventilation to outdoor living areas and major openings to active habitable spaces. • Extent of overshadowing will result in the adjoining properties being in shadow for the entirety of the day. • Concern that the amendments to the proposal made after the decision of Council to defer the application have increased the level of overshadowing to adjoining properties, rather than decreased it. • The impact of overshadowing to amenity of the adjoining properties is not recognised, with overshadowing of individual units as follows: <ul style="list-style-type: none"> ○ Unit 1: 74 percent ○ Unit 2: 95 percent ○ Unit 4: 73 percent <p>The proposal has not been designed to adequately protect the adjoining property's outdoor living areas and north-facing major openings solar access.</p>	<ul style="list-style-type: none"> • The impact of the overshadowing is discussed above. The proposed setbacks would result in separation of 3 to 3.5 metres between the buildings which would be sufficient to preserve access to ventilation to the major openings at the adjoining property. • The overshadowing assessment reflects a 'worst case scenario' at winter solstice. Adjoining properties would retain access to direct sunlight for portions of the day. The units fronting Palmerston Street would retain sunlight access in the mornings, with the rear units receiving afternoon sunlight. • Administration has undertaken a review of the overshadowing assessment of the plans considered by Council at their 15 November 2022 Ordinary Meeting. This review found that overshadowing from the previous plans was 62.8 percent, instead of 60.6 percent as previously advised. The amended plans would result in a minor decrease in the overshadowing of the adjoining property to 62.3 percent. Reduction in the overshadowing due to the increased lot boundary setbacks is partially offset by the increase in shadow that results from the development being shifted to the rear of the site. • The deemed-to-comply standards of the R Codes require the calculation of overshadowing based on the parent lot of the adjoining property, rather than individual strata properties. • The design principle assessment under the R Codes refers to the protection of major openings within 15 degrees of north. • The subject major openings are orientated approximately 22 degrees to the north west. • The design principle assessment under the R Codes refers to the development to be designed to protect solar access for neighbouring properties, taking into account the potential to overshadow existing outdoor living areas. • The outdoor living areas for Units 3 and 4 on the adjoining property are currently shadowed by the Fig Tree in Robertson Park that is located adjacent to the subject site, with overshadowing from the proposed development falling within the existing shadowed area. • The outdoor living area for Unit 1, and to a lesser extent Unit 2, is currently overshadowed by the existing development at the adjoining property (No. 107 Palmerston Street) itself. The outdoor living area of Unit 2 would be subject to increased overshadowing due to the proposed development. However, these

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<ul style="list-style-type: none"> Solar access should take precedence in assessment of a development, noting that Clause 5.4.2 C2.1 states that 'notwithstanding' lot boundary setbacks, overshadowing is to comply with this clause. 	<p>outdoor living areas would retain access to direct sun in the mornings.</p> <ul style="list-style-type: none"> Agreed that the deemed-to-comply standard for Solar Access to Adjoining Properties in the R Codes states that it should be met 'notwithstanding' other provisions. This means that satisfying the deemed-to-comply lot boundary setback provision does not mean that a development would satisfy the deemed-to-comply provisions relating to Solar Access. Lot boundary setbacks can directly impact the extent of overshadowing to an adjoining property. Administration has prepared an overshadowing diagram included as Attachment 13 as a comparison between the deferred plans and the amended plans. This has been prepared to demonstrate the extent of overshadowing that would result from the same development, but with an increase to lot boundary setbacks. The subject development proposal is seeking a design principles assessment. In accordance with Clause 2.5.1 of the R Codes, where a decision maker is assessing a proposal against a design principle, the deemed-to-comply provision is not to be applied.
<p><u>Visual Privacy</u></p> <ul style="list-style-type: none"> Concerns about the impact of visual privacy of adjoining properties from the reduced setback to the proposed Unit 2 and 3 balconies. Concern about visual privacy impacts from the proposed terraces 	<ul style="list-style-type: none"> The proposed Unit 2 and 3 balconies would be located on the second floor of the proposed development and would be screened to the south-west elevation. This would restrict direct overlooking of the adjoining property. <p>The cone of vision from these balconies would fall over a 1 metre to 1.5-metre-wide side setback area and windows to the stairwells and would not fall over the major openings at on the first floor or outdoor living areas of No. 107 Palmerston Street.</p> <ul style="list-style-type: none"> The first-floor roof terraces of Units 2 and 3 would be screened to the south-western elevation. This would protect the amenity of the adjoining property from impact due to use of the terraces.
<p><u>Car Parking</u></p> <ul style="list-style-type: none"> Street parking is limited, and the lack of visitor bays would further impact this. 	<ul style="list-style-type: none"> There are approximately 25 car bays western side of Palmerston Street between Stuart and Randell Streets, of which five are residential-permit restricted, and the remainder restricted to two hours with no fee payable. A further five residential-permit restricted bays are provided on the eastern side of Palmerston Street. A further 32 three-hour unpaid car bays are provided within the Robertson Park car park and 122 on-street car parking bays on Stuart Street, within 150 to 300 metres of the subject site. A review of the City's parking data indicates that there is capacity in the surrounding area to cater for the development. The proposed development

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<ul style="list-style-type: none"> Cars will be entering the sole driveway which may cause noise and disruption. 	<p>would be added to a register of properties for which the City would not issue parking permits. These bays would therefore remain unaffected by the proposed development.</p> <ul style="list-style-type: none"> The consolidation of vehicle access points is consistent with the objectives of the R Codes and Built Form Policy to reduce the visual impact of crossovers on the streetscape.
<p><u>Design</u></p> <ul style="list-style-type: none"> The design is not sympathetic to the parkland and adjoining properties. Concern about overall over-development of the site, reflected in the departures from the deemed-to-comply setback standards. Concern that design maximises impact on property to the south-west due to the location of the driveway along the north-eastern lot boundary, resulting in bulk, massing and overshadowing impacts. 	<ul style="list-style-type: none"> The proposal employs strategies to reduce the bulk and scale of the development including a diversity of materiality, a heavily articulated sculptural form which contributes a level of visual interest to the streetscape. The face brick materiality and arch forms used in the development respond and relate to the context and character of the local area. The southwest elevation includes a diversity of materiality and an articulation of form. The development's massing along the long axis of the site has openings at upper level allowing natural light and cross ventilation through the site and visually breaks up the bulk and scale of the development on this elevation. The Moreton Bay Fig Tree in the adjacent to the subject site has resulted in the relocation of the bulk of the development to the southwest of the site to reduce the impact on the root system. The proposal is consistent with 2021 subdivision approval with the driveway along the north-eastern boundary.
<p><u>Street walls and fences</u></p> <ul style="list-style-type: none"> The proposed fence does not comply with the City's Built Form Policy. 	<p>The fencing to Palmerston Street would be predominantly low in scale and would maintain the open character of the streetscape. The fencing style would be consistent with the proposed dwelling, incorporating curved design motifs and single course face-brick. The portion solid fence above 1.2 metres would be set back 1.9 metres from Palmerston Street and would face Robertson Park. The visual impact of the fence to Robertson Park would be minimised due to the presence of existing 1 metre high hedges along the boundary with No. 109 Palmerston Street.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter.